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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application

Inventor: Apollon Papadimitriou

Group: 1653

Serial No. 10/780,297, filed February 17, 2004
(Ref. No. 20619 US1)

Examiner: Kam, Chih Min

For: **ERYTHROPOIETIN COMPOSITION**

RESPONSE TO RESTRICTION REQUIREMENT

Nutley, New Jersey 07110
October 18, 2004

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

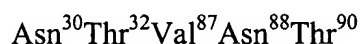
Dear Sir:

This Communication is in response to the Office Action dated October 7, 2004, a response to which is due November 7, 2004.

Applicants understand the Office Action to require restriction to pharmaceutical compositions containing an erythropoietin ("EPO") glycoprotein product which product could be unmodified human erythropoietin, a pegylated erythropoietin, or a human EPO the amino acid sequence of which is modified to be one of the species identified, for example, in claims 14, 17, 35 and 38. Applicants are requested to elect which one modified species of claims 14, 17, 35 or

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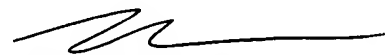
38 to be included in the above recited EPO-containing composition for initial substantive examination. In response to this requirement for restriction, applicants elect the species



for initial substantive examination. This is the 13th species in claim 14 and is also specifically disclosed on page 14 of the specification.

Applicants believe that no fee is due with this communication. However, should the Patent Office determine that a fee is owed, or a credit is due to applicant, the Patent Office is hereby authorized to charge any required fees, including any extension of time and/or excess claim fees, or credit any overpayment, to applicant's Deposit Account 08-2525 as appropriate.

Respectfully submitted,



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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/780,297
	Filing Date	2/17/2004
	First Named Inventor	Papadimitriou
	Art Unit	1653
	Examiner Name	Kam, C. M.
Total Number of Pages in This Submission	Attorney Docket Number	20619 US1

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
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<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks -Response to Restriction Requirement	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	P. S. Rocha-Tramaloni	
Signature		
Date	10/18/2004	

CERTIFICATE OF TRANSMISSION/MAILING		
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.		
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Signature		Date 10/18/2004

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